



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/634,741

08/04/2003

Takahiko Koizumi

MIPFP047

6624

25920 7590 07/16/2007
MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER

GILES, NICHOLAS G

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/634,741 | Applicant(s) KOIZUMI ET AL. | |
| | Examiner Nicholas G. Giles | Art Unit 2622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 26-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 26-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>03/23/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 6 line 23 to page 7 line 11, filed 05/01/2007, with respect to the rejection(s) of claim(s) 1-8 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nitta.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

3. Claim 2 is objected to because of the following informalities: There is lack of antecedent basis for the memory device at the end of the claim. Appropriate correction is required.

4. Claim 4 is objected to because of the following informalities: The word "with" in line two of the claim should be deleted for readability. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims **1-8 and 26-36** are rejected under 35 U.S.C. 102(b) as being anticipated by Nitta (Japanese publication number 2001-186297).

Regarding claim 1, Nitta discloses:

An image processing method that makes image data, which includes shooting information obtained at a time of shooting, subjected to a series of image processing suitable for a selected shooting scene, said image processing method comprising: acquiring image data (§0029-0032); retrieving scene-dependent image processing condition specification information (photography mode), which is related to the acquired image data and is used to specify a scene-dependent image processing condition (image processing according to the photography mode) suitable for the selected shooting scene (§0030); specifying the selected shooting scene based on the shooting information (photography parameters), in the case of failed retrieval of the scene-dependent image processing condition specification information (§0031-0032); acquiring a scene-dependent image processing condition suitable for the specified shooting scene

(¶0031-0032); and executing image quality adjustment of the image data with the acquired scene-dependent image processing condition (¶0029-0032).

Regarding claim 2, see the rejection of claim 1 and note that Nitta further discloses:

Acquiring the scene-dependent image processing condition, in the case of successful retrieval of the scene-dependent image processing condition specification information, is implemented by acquiring the scene-dependent image processing condition corresponding to the retrieved scene-dependent image processing condition specification information from said memory device (¶0038).

Regarding claim 3, see the rejection of claim 1 and note that Nitta further discloses:

Specifying the shooting scene, when the shooting information includes preset information of shooting scene, is implemented with the preset information of shooting scene (¶0031-0032).

Regarding claim 4, see the rejection of claim 1 and note that Nitta further discloses:

Specifying the shooting scene is implemented with based on information on settings of exposure program (dark on the whole or bright, kinds of colors that exist in the image data), aperture (exposure value), shutter speed (shutter speed), subject distance range (focal distance), ISO

speed rate (exposure value), and flash (flash) included in the shooting information (§0031-0032).

Regarding claim 5, see the rejection of claim 3 and note that Nitta further discloses:

Specifying the shooting scene, when the shooting information does not include the preset information of shooting scene, is implemented with information on settings of exposure program (dark on the whole or bright, kinds of colors that exist in the image data), aperture (exposure value), shutter speed (shutter speed), subject distance range (focal distance), ISO speed rate (exposure value), and flash (flash) included in the shooting information (§0031-0032).

Regarding claim 6, see the rejection of claim 1 and note that Nitta further discloses:

Scene-dependent image processing condition is a combination of values of multiple image quality-relating parameters, which are set in advance for each shooting scene (§0029-0032).

Regarding claim 26, see the rejection of claim 1 and note that Nitta further discloses:

Scene-dependent image processing condition specification information is related to the image data by an image data generating apparatus (§0022-0032).

Art Unit: 2622

Regarding claim **27**, see the rejection of claim 2 and note that Nitta further discloses:

Scene-dependent image processing condition specification information is related to the image data by an image data generating apparatus (§0022-0032).

Regarding claim **28**, see the rejection of claim 3 and note that Nitta further discloses:

Scene-dependent image processing condition specification information is related to the image data by an image data generating apparatus (§0022-0032).

Regarding claim **29**, see the rejection of claim 4 and note that Nitta further discloses:

Scene-dependent image processing condition specification information is related to the image data by an image data generating apparatus (§0022-0032).

Regarding claim **30**, see the rejection of claim 5 and note that Nitta further discloses:

Scene-dependent image processing condition specification information is related to the image data by an image data generating apparatus (§0022-0032).

Regarding claim **31**, see the rejection of claim 6 and note that Nitta further discloses:

Scene-dependent image processing condition specification information is related to the image data by an image data generating apparatus (§0022-0032).

Regarding claim **32**, see the rejection of claim 26 and note that Nitta further discloses:

Image data generating apparatus is a digital still camera (§0022).

Regarding claim **7**, Nitta discloses:

An image processing apparatus that makes image data, which includes shooting information obtained at a time of shooting, subjected to a series of image processing suitable for a selected shooting scene, said image processing apparatus comprising: an image data acquisition module that acquires image data (§0029-0032); a memory module that stores multiple scene-dependent image processing conditions set for multiple shooting scenes (image processing according to the photography mode §0030-0032 and §0038); a scene-dependent image processing condition acquisition module that, in the case of failed retrieval of scene-dependent image processing condition specification information, which is related to the acquired image data and is used to specify a scene-dependent image processing condition suitable for the selected shooting scene, specifies the selected shooting scene based on the shooting information and acquires a scene-dependent image processing condition suitable for the specified shooting scene from said memory module

(¶0030-0032); and an image quality adjustment module that executes image quality adjustment of the image data with the acquired scene-dependent image processing condition (¶0030-0032).

Regarding claim **33**, see the rejection of claim 7 and note that Nitta further discloses:

Scene-dependent image processing condition specification information is related to the image data by an image data generating apparatus (¶0022-0032).

Regarding claim **34**, see the rejection of claim 33 and note that Nitta further discloses:

Image data generating apparatus is a digital still camera (¶0022).

Regarding claim **8**, Nitta discloses:

A computer program product storing a program that causes a computer to utilize multiple scene-dependent image processing conditions set for multiple shooting scenes and to make image data, which includes shooting information obtained at a time of shooting, subjected to a series of image processing suitable for a selected shooting scene, said program comprising: a computer command that retrieves scene-dependent image processing condition specification information (photography mode), which is related to acquired image data and is used to specify a scene-dependent image processing condition (image processing according to the photography mode) suitable for the selected shooting scene (¶0030); a

computer command that specifies the selected shooting scene based on the shooting information (photography parameters), in the case of failed retrieval of the scene-dependent image processing condition specification information (§0031-0032); a computer command that selects a scene-dependent image processing condition suitable for the specified shooting scene among the multiple scene-dependent image processing conditions (§0027-0032); and a computer command that executes image quality adjustment of the image data with the selected scene-dependent image processing condition (§0030-0032).

Regarding claim **35**, see the rejection of claim 8 and note that Nitta further discloses:

Scene-dependent image processing condition specification information is related to the image data by an image data generating apparatus (§0022-0032).

Regarding claim **36**, see the rejection of claim 6 and note that Nitta further discloses:


Image data generating apparatus is a digital still camera (§0022).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas G. Giles whose telephone number is (571) 272-2824. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7273. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NGG



LIN YE
SPE. ART UNIT 2622